

Applicants Response to Examiner's Comments

Claim Rejections – 35 USC § 102(e)

Examiner rejects claims 1-5, 7-9 and 15-17 under 35 U.S.C. 102(b) as being anticipated by McAlister (US Pat. No. 5,363,804, hereafter “McAlister”). Examiner states that McAlister shows a protective cover for a heat emitting structure comprising a fabric 12 having a sensual quality pleasant to a plurality of animals including cats and dogs (col. 2, lines 46-60). Examiner states that the cover 10 of McAlister includes a quadrilateral rectangle having a surface area large enough to comfortably contain an animal, and “at least 20 inches preferably larger” to allow larger or multiple animals to use the cover. The cover of McAlister also contains an odor pleasant to at least some animals such as cats (col. 3, lines 39-41). Examiner maintains that it is considered that any part of the cover of McAlister can act as a pillow, as any area of the cover where an animal places its head down is a pillow section for the head of the animal.

Applicant respectfully replies that McAlister makes no mention of a heat emitting structure, nor providing a cover designed for use by an animal for resting and configured to cover and protect an equipment from the animal (page 9, lines 7 – 11 of the Application). In fact, the only structure mentioned in McAlister external to the cushion and available for attachment with the cushion is a scratching post that is intentionally designed to be scratched and torn by the cat (col 3, lines 58-63). Furthermore, McAlister makes no mention (and provides no motivation) of configuring a blanket to safely accomplish the protection of an equipment or structure while also presenting an attractive quality to the animal, where in contrast the Present Invention discloses a blanket that is

intentionally designed to attract an animal by providing warmth from the heat emitting structure in combination with a sensual quality, e.g., softness. In particular, McAlister teaches that, referencing here the third paragraph of the Summary of the Invention of McAlister, that the pad is a thermal insulator and is designed to conserve the body heat of the animal from dissipating into a floor by thermal insulation, whereas the Present Invention is designed to enable transfer of heat from the protected surface of a heat emitting structure and to a resting animal. McAlister teaches away from and provides no motivation to select materials for a cushion that will transfer heat from an equipment and to a resting area of the cushion for an animal in a manner that transfers the heat to attract and provide comfort to the animal (please not page 9, lines 7 – 11 of the Application).

Applicant further respectfully notes that Claim 1 as newly amended includes as an attachment means as an element of the Present Invention that detachably couples the fabric to a heat emitting structure. While McAlister does mention that a “cushion 10 can be secured to an upright object such as a scratching post” (col. 3, lines 56-62), McAlister makes no disclosure of an attachment means that could removably attach a cover to a heat emitting structure (page 10, lines 8 – 20 of the Application), and where the cover is configured to protect at least a portion of the heat emitting structure from the cat (or other animal).

Applicants respectfully points out that the Application specifically enables a pillow section 56 having a thinned section 64 and a stuffing 62 (page 12, lines 12 - 19). McAlister, in contrast, teaches away for varying thickness of the resting area presented to the animal while particularly disclosing, and referring here to the second and third paragraphs of McAlister’s Detailed Description of a Preferred Embodiment, that

betewwn 25 and forty layers of preferably raw unwoven polyster to structure a pad of approximately two inches in thickness. McAlister neither discloses nor provides motivation for any area of the pad having a substantively varying thickness from an other area of the pad. On the contrary, McAlister's invention would require extra manufacturing cost to configure and apply pluralities of layers that would present a surface having a raised pillow section with a thinned area.

Applicant acknowledges that McAlister does disclose a cushion presenting a quadrilateral surface as a resting area for an animal. Applicant also acknowledges that the pad as disclosed by McAlister may contain an odor pleasant to at least some animals such as cats.

Claim Rejections – 35 USC § 103

Examiner rejects claims 6, 10, 11, 12-14 and 18-20 as being unpatentable under 35 U.S.C. 103(a) over McAlister and other Prior Art as cited below.

Applicant notes that Claims 6, 10, 11, 12-14 are dependent from Claim 1. Applicant refers to the explanation in the paragraphs above that detail certain novel aspects of the Present Invention that are found in Claim 1 and are not anticipated or disclosed by McAlister, e.g., the quality of the fabric to transfer heat from the heat emitting structure and the attachment means to the structure.

Examiner rejects claim 6 under 35 U.S.C. 103(a) as being unpatentable over McAlister in view of Moore (US Pat. No. 5,144,911). Applicant acknowledges that Moore teaches of fleece. Applicant respectfully submits that as Claim 6 is dependent on

Claim 1, and that Claim 1 as newly amended is describes novel and non-obvious matter, that Claim 10 is presently allowable.

Examiner rejects claim 10 under 35 U.S.C. 103(a) as being unpatentable over McAlister in view of Kaplan (US Pat. No. D447,607). Applicant acknowledges that Kaplan does disclose a pet bed formed in the shape of a cartoon character. Applicant respectfully submits that as Claim 10 is dependent on Claim 1, and that Claim 1 as newly amended is describes novel and non-obvious matter, that Claim 10 is presently allowable.

Examiner rejects claim 11 under 35 U.S.C. 103(a) as being unpatentable over McAlister in view of Sandbeck (US Pat. No. D465,687). Applicant acknowledges that Sandbeck discloses a blanket bearing an optional logo. Applicant responds that the functionality of the Present Invention in selecting materials for a protective cover of a heat emitting structure, as taught by the Application, is neither considered nor addressed, nor non-obvious in view of, the design of Sandbeck. Sandbeck's blanket has no particular function other than to make an optional logo visible. McAlister, as stated above, provides no motivation for providing a cover that protects a structure while transferring heat from the structure and to a resting animal. In addition, Applicant respectfully submits that as Claim 11 is dependent on Claim 1, and that Claim 1 as newly amended is describes novel and non-obvious matter, that Claim 11 is presently allowable.

Examiner rejects claim 12-14 and claims 18-20 under 35 U.S.C. 103(a) as being unpatentable over McAlister in view of Wechsler (US Pat. No. 6,751,816). Examiner acknowledges that McAlister does not teach of rolling or hanging a protective cover for storage. Referring now to Figures 3, 4, 14 and 16 of Wechsler, Applicant notes that the attachment rings 61 of Wechsler function to attach a strap 53, and that the strap has two

functions, namely to (1) assist in exercise, and (2) transport the ensemble 50 to a place of storage. With respect to Claims 12 and 18, Applicant understands that a strap may be used to secure a device to a location. Applicant notes, however, that neither McAlister nor Wechsler consider the value of delivering heat to an animal via a cover that protects the source of the heat from damage by the animal. Applicant maintains that no combination of Wechsler and McAlister makes obvious to one of ordinary skill in the art the securing or coupling cover that both attracts an animal by providing heat while protecting the source of the heat from damage by the attracted animal. Applicant cancels Claim 12, as Claim 12 is not distinct from the newly amended Claim 1. Claim 18 as newly amended is discussed further below.

With respect to Claim 13, Applicants acknowledges that the Wechsler discloses a pad configured for roll-up. Applicant respectfully submits that as Claim 13 is dependent on Claim 1, and that Claim 1 as newly amended describes novel and non-obvious matter, that Claim 13 is presently allowable.

With respect to Claim 14, Applicant notes that Claim 14 as newly amended specifies an aperture useful for hanging the Present Invention in storage (reference aperture 46 of FIG. 3 of the Application). Applicant acknowledges that the Wechsler discloses the strap 53 as useful carrying and storing the pad of Wechsler. Applicant responds that the aperture of Claim 14 enables the Present Invention to be more easily stored on a hook than the strap 53 of Wechsler. In addition, Applicant respectfully submits that as Claim 14 is dependent on Claim 1, and that Claim 1 as newly amended describes novel and non-obvious matter, that Claim 14 is presently allowable.

Applicant notes that Claim 18 as newly amended includes magnets for use on securing the protective cover to a metallic surface and that no mention of magnetic components of a protective cover is found in the Prior Art. Applicant further notes that Claim 19 and 20 are dependent on Claim 18.

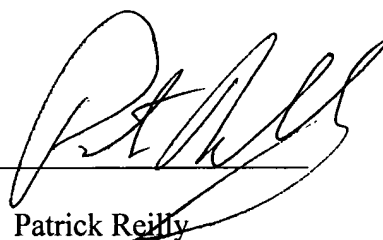
With respect to Claim 18, Examiner states that the strap 53 may be used as an attachment means of a cover. Applicant responds that the element of the plurality of magnets of the version of the Present Invention described in Claim 18 provide a more accurate means to position and removably couple the protective cover to a structure. The strap 53 provides a single nexus of attachment to a structure, whereas the magnets of Claim 18 provide multiple and selectable nexii of removable attachment of the cover to a metallic structure.

With respect to Claims 19 and 20, Examiner asserts that placing a cover on the hood of a car would be obvious to one of ordinary skill in the art in view of the combination of McAlister and Wechsler. Applicant responds that the use of a strap as a sole and multi-purpose means of attachment, and as disclosed by Wechsler, teaches away from an attachment means configured to provide increased ease and stability of placement of the protective cover as enabled by the plurality of magnets of Claims 18, 19 and 20. Applicant respectfully submits that as Claims 19 and 20 are dependent on Claim 18, and that Claim 18 as newly amended describes novel and non-obvious matter, that Claim 19 and 20 are presently allowable.

Applicant respectfully submits that that the Claims as currently submitted are allowable, and that Examiner's final claim rejection under 35 USC § 102 as being anticipated by Robb (6177950) is in error and begs reconsideration on the following arguments addressing the received comments respectively.

If any matters can be resolved by telephone, Applicant requests that the Patent and Trademark Office call the Applicant at the telephone number listed below.

Respectfully submitted,

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